

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 31 be amended to read as follows:

- 1 Page 2, line 2, delete "map." and insert "**map prepared under**
- 2 **subsection (c).**".
- 3 Page 3, after line 30, begin a new paragraph and insert:
- 4 "**(k) At the same time and in the same manner as the notice is**
- 5 **sent under subsection (d)(2), the department shall notify the owner**
- 6 **of property to be acquired for a right-of-way of the following:**
- 7 **(1) With respect to damage that occurs to the property as a**
- 8 **result of the acquisition of the property for a right-of-way,**
- 9 **including entry onto the land for a purpose set forth in**
- 10 **IC 8-23-7-6:**
- 11 **(A) a description of the owner's right to compensation for**
- 12 **the damage from the department; and**
- 13 **(B) the procedure that the owner must follow to obtain the**
- 14 **compensation.**
- 15 **(2) The name, mailing address, and telephone number of an**
- 16 **individual or office within the department to which the owner**
- 17 **may direct questions concerning the rights and procedures**
- 18 **described in subdivision (1).**
- 19 SECTION 2. IC 8-23-7-5 IS AMENDED TO READ AS FOLLOWS
- 20 [EFFECTIVE JULY 1, 2008]: Sec. 5. The department shall give
- 21 written notice to the owners of property described in section 4 of this
- 22 chapter that the department intends to acquire the real property or
- 23 rights for highway purposes. The notice may be served in person or
- 24 sent by certified mail to the owners of the property at the address

shown on the tax records of the county. **Notice under this section must contain the following information:**

(1) With respect to damage that occurs to the owner's property as a result of the acquisition of the property for highway purposes, including entry upon, over, or under the property as set forth in section 26 of this chapter:

(A) a description of the property owner's right to compensation for the damage from the department; and

(B) the procedure that the owner must follow to obtain the compensation.

(2) The name, mailing address, and telephone number of an individual or office within the department to which an owner may direct questions concerning the rights and procedures described in subdivision (1).

SECTION 3. IC 8-23-7-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 26. An authorized employee or representative of the department engaged in a survey or investigation authorized by the commissioner or the commissioner's designee, **including a survey or investigation for purposes of IC 8-23-5-9**, may enter upon, over, or under any land or property within Indiana to conduct the survey or investigation by manual or mechanical means, which include the following:

(1) Inspecting.

(2) Measuring.

(3) Leveling.

(4) Boring.

(5) Trenching.

(6) Sample-taking.

(7) Archeological digging.

(8) Investigating soil and foundation.

(9) Transporting equipment.

(10) Any other work necessary to carry out the survey or investigation.

SECTION 4. IC 8-23-7-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 27. **(a)** Before an authorized employee or representative of the department enters upon, over, or under any land or water under section 26 of this chapter, the occupant of the land or water shall be notified in writing by first class United States mail of the entry not later than five (5) days before the date of entry. The employee or representative of the department shall present written identification or authorization to the occupant of the land or water before entering the land or water.

(b) At the same time and in the same manner as the notice required under subsection (a), the department shall notify the occupant and the record owner of the land or property of the following:

(1) With respect to damage that occurs to the land or property as a result of the acquisition of the land or property for highway purposes, including entry upon, over, or under the land or property as set forth in section 26 of this chapter:

(A) a description of the aggrieved party's right to compensation for the damage from the department; and

(B) the procedure that the aggrieved party must follow to obtain the compensation.

(2) The name, mailing address, and telephone number of an individual or office within the department to which an aggrieved party may direct questions concerning the rights and procedures described in subdivision (1).

SECTION 5. IC 8-23-7-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 28. If during an entry under section 26 of this chapter damage occurs to the land or water as a result of the entry or work performed during the entry, the department shall compensate the aggrieved party. If the aggrieved party is not satisfied with the compensation determined by the department, the amount of damages shall be assessed by the county agricultural extension educator of the county in which the land or water is located and two (2) disinterested residents of the county, one (1) appointed by the aggrieved party and one (1) appointed by the department. A written report of the assessment of damages shall be mailed to the aggrieved party and the department by first class United States mail. If either the department or the aggrieved party is not satisfied with the assessment of damages, either or both may file a petition, not later than fifteen (15) days after receiving the report, in the circuit or superior court of the county in which the land or water is located. **The department shall pay any compensation awarded to an aggrieved party under this section:**

(1) not more than thirty (30) days after the date on which the parties agree to the amount of the compensation; or

(2) as ordered by the circuit or superior court."

Renumber all SECTIONS consecutively.

(Reference is to ESB 31 as printed February 15, 2008.)

Representative Walorski